

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

JACKLYN GOSUK,

Appellant,

vs.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-12749

Trial Court No. 3DI-15-00359CR

**RESPONSE TO TRIAL COURT'S FINDINGS DATED JUNE 24, 2021**

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The State responds to the trial court's findings dated June 24, 2021 to add context.

First, a timeline is relevant. The events occurred in October 2015, and Gosuk was charged within two days. The trial court held an evidentiary hearing in April 2016, and Gosuk pleaded guilty and was sentenced in November 2016.

Gosuk filed her notice of appeal in November 2016 and her opening brief in June 2017. The State filed its brief in February 2018, and Gosuk filed her reply in March 2018. No oral argument was held. This Court issued its decision in March 2021, remanding the case to the trial court for additional

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findings. The trial court issued those findings and a recommended order in June 2021.

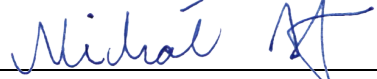
This means that the trial court proceedings took about one year. Briefing took approximately one and a half years. And this Court issued its decision three years after briefing was complete.

After this Court's decision requesting additional findings, the trial prosecutor contacted the trooper involved. The trooper had retired and, even after having his memory refreshed with reports and audio recordings, he could not recall this particular incident. Consequently, the State informed the trial court that it was not going to present additional evidence.

The State files this response (1) to explain why it did not present additional evidence and (2) to make known a specific detrimental consequence of an appeal lasting years.

DATED July 2, 2021.

TREG R. TAYLOR  
ATTORNEY GENERAL

By:   
Michal Stryszak (0505032)  
Assistant Attorney General

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**CERTIFICATE OF SERVICE AND TYPEFACE**

I, Sylva M. Ferry, state that I am employed by the Alaska Department of Law, Office of Criminal Appeals, and that on July 2, 2021, I emailed a copy of the State's RESPONSE TO TRIAL COURT'S FINDINGS DATED JUNE 24, 2021 and this CERTIFICATE OF SERVICE AND TYPEFACE in the above-titled case to:

Joseph R. Faith  
Law Office of Joseph R. Faith  
PO Box 1287  
Dillingham, AK 99576  
jfaith99576@gmail.com

I further certify, pursuant to App. R. 513.5, that the font used in the aforementioned documents is Century Schoolbook 13 point.

  
Sylva M. Ferry